

Democrats and Republicans in the House and Senate to \$8.3 billion. Congress is now working quickly and competently on a second package. It should get the same quick response from our Republican Senators and pass.

NOMINATION OF JAMES P. DANLY

Madam President, today the Senate will vote on the nomination of James Danly to serve on the Federal Energy Regulatory Commission. Less than a decade out of law school, Mr. Danly lacks the experience of past nominees, and it seems his major qualification is deep ties to the energy industry. The process behind his nomination has been extremely partisan and unfair to the Senate minority.

I have tried to work with the Republican leader to pair Mr. Danly's nomination with a Democratic nominee so that both would pass the Senate. That is what we have always done until Leader McCONNELL started his ways and President Trump became President.

By law, FERC has seats reserved for both Democrats and Republicans. Democrats sent our recommendation for FERC to the White House over a year ago, long before the administration selected Danly. Yet while the White House sent Danly's name to the Senate for confirmation, they have held the Democratic nominee and given no reason or explanation why. Rather than work with my office and the White House to fix this problem—as every other Republican leader has done—and maintain the process of pairing nominees, which has always been the tradition whether Democrats or Republicans were in the majority, Leader McCONNELL, in his very partisan, pro-energy industry way, is moving forward with only the Republican nominee.

Leader McCONNELL has been in the minority before. He knows that the only way bipartisan boards and commissions across the Federal Government are filled fairly with considerations for both parties is through cooperation. If the shoe were on the other foot, I am sure the Republican leader would be furious with the game the White House is playing with our nominees.

Our preference would have been to clear Danly alongside our Democratic nominee, but now, for the sake of fairness and parity, I urge my colleagues to vote against his nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Alaska.

NOMINATION OF JAMES P. DANLY

Ms. MURKOWSKI. Mr. President, I have come to the floor this morning to speak in support of the nomination of Mr. James Danly to serve on the Federal Energy Regulatory Commission. Mr. Danly has been nominated for the remainder of a term that runs through June 30, 2023, and for a seat that has been open now since former Chairman Kevin McIntyre tragically passed away from brain cancer about 14 months ago.

For those who don't follow the day-to-day of energy policy, FERC is an independent agency within the Department of Energy. It regulates electricity, hydropower, natural gas, and oil pipeline industries. In my view, FERC is one of those very, very important entities. FERC plays a critical role in keeping the lights on and ensuring the delivery of reliable, safe, and affordable energy to America's homes and businesses.

Mr. Danly has an impressive academic and professional background. He is a veteran, having served two tours of duty with the Army in Iraq, where he received a Bronze Star and a Purple Heart, and played a key role in executing counterinsurgency efforts during the surge.

After his career with the Army, Mr. Danly chose to pursue a very different career as a FERC attorney, first practicing at a major law firm and most recently serving as FERC's general counsel for the past 2½ years now.

Mr. Danly's time at the FERC has been very productive. He has my strong support to be a Commissioner. This is the type of individual who knows his stuff, who has a great grasp and a keen understanding of these energy-related matters. He is well qualified and has a deep understanding of the issues that will come before him. He understands FERC's mission as an independent and an impartial regulator.

Despite Mr. Danly's very impressive qualifications and experience, I am disappointed that some of my colleagues have indicated they will oppose his nomination simply because he isn't nominated alongside a Democratic candidate. So they will acknowledge that he has strong qualifications, that he has the expertise and the experience, but they are opposing him because they are saying he needs to be nominated alongside a Democrat. To me, opposing nominees on that basis alone is very troubling.

It is also incorrect to characterize pairing FERC nominees as the norm. I think Members should recognize that FERC is set up first and foremost to avoid the need for pairings. We passed a law in Congress in 1990 to stagger the five Commissioners' terms by 1 year each. So if nominees are sent to the Senate in a timely manner and stay in office, we would never need to pair them.

Also contrary to what some have suggested, bipartisan pairings are not actually the norm. More often, we have confirmed individual Commissioners or had unbalanced pairings, like Colette Honorable in 2014 or the two Republican Commissioners we confirmed in 2017 after the Obama administration refused to nominate any Republicans in 2015 or 2016.

I also encourage the Senate to recognize that this seat has already been paired. In 2017, we paired Mr. McIntyre with Rich Glick, who will continue to serve through mid-2022. The slot we are now considering is to fill the remainder

of Mr. McIntyre's term through mid-2023.

The fact is, we have one nomination for the Senate right now, not two. We have one nomination to consider, and this position has been open now for some 14 months. It is not fair to tell a qualified Republican nominee that he has to wait, especially with the seat now having been open for more than 1 year and the term expiring in mid-2023. That doesn't change.

I would also remind my colleagues that nominations are the responsibility of the President. It is not on me as the chairman of the Energy and Natural Resources Committee. It is not on Leader McCONNELL. It is the responsibility of the President.

The much more recent Democratic vacancy at FERC, which was the choice of the Democratic leadership in this body, is for the Democratic leadership to work out with the White House. Send to the White House that nominee who can be advanced.

For those who are concerned about the Democratic vacancy, I will share this with you. There will be an opportunity for a pairing later this year. Commissioner McNamee has already announced that he will not return to the FERC for a second term, so there will be a vacancy in just a matter of months. I have encouraged the administration to send us both nominees at the same time so that the Senate can restore FERC to a full complement of five Commissioners. We give them a lot of work. There is a lot of responsibility. They need a full complement.

Right now, our opportunity is to confirm Mr. Danly. That is who we have in front of us. He is the only FERC nominee we have. He is well qualified for the job. He served our country in uniform. He now wishes to continue that service in a different capacity, and I hope—I hope—no one will vote against him on party grounds. So I would certainly urge the full Senate to support Mr. Danly's nomination.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ASHLEY JOHNSON-BARR DAY

Ms. MURKOWSKI. Mr. President, the Alaska State Senate yesterday passed a bill that would establish March 12, today, as Ashley Johnson-Barr Day to be held each year.

Ashley Johnson-Barr was a 10-year-old beautiful little girl in Kotzebue, AK. Ashley was probably one of those happy kids who loved purple; thus, I have a purple scarf and purple jacket today. She was one of those beautiful young children growing up in Kotzebue who would have gone on to have a good, productive life in an Inupiat community in the northwestern part of the State. But Ashley Johnson-Barr is remembered now because, at the age of 10 years old, she was brutally raped and murdered. She was literally taken from the kids' playground there in Kotzebue and taken to a location not too many miles outside the community.

Her death, the tragedy around the circumstance of how she left this world, is one that is an open and raw and hurtful and horrific scar on Alaska and on the communities. It is a reminder that in my State—a place of extraordinary beauty, with beautiful people—there is a darkness that is very, very difficult to talk about. That darkness is reflected in the statistics that we see when it comes to sexual assault, domestic violence, and more brutal acts of murder inflicted, unfortunately, in a disproportionate way on our Native women and our Native children.

Yesterday in the Senate, we passed two measures that I have been working on for a period of time. Savanna's Act is legislation that was initially brought about through the good work of my friend, the former Senator from North Dakota, Senator Heidi Heitkamp. Heidi and I worked on Savanna's Act for a period of time. It is designed to improve coordination among all levels of law enforcement; increase data collection and information sharing; and empower Tribal governments with access to necessary law enforcement databases in cases involving missing and murdered indigenous women and girls wherever they occur, whether they are in a small, remote village or in our population centers.

Savanna's law was passed through the Senate in the last Congress and got stalled out in the House. So I took this back up, along with the help of my friend from the State of Nevada, Senator CORTEZ MASTO. Working with her, we have now been successful in moving it through the Senate. It traveled with another measure—a bill that was sponsored by Senator CORTEZ MASTO and cosponsored by me.

The Not Invisible Act improves the engagement amongst law enforcement Tribal leaders, Federal partners, and service providers. We also designate an official to coordinate efforts across agencies in establishing a Tribal and Federal stakeholders' effort to make recommendations to the Department of the Interior Department of Justice on how we deal with this, how we combat this epidemic of disappearance, of homicide, violent crimes, and trafficking of Native Americans and Alaska Natives. This is something we have been trying to shine the spotlight on.

We are making significant progress and headway in Alaska. Thanks to the efforts and the heart of Attorney General Barr, we have seen Federal funds come our way. We have seen commissions and a coordination among stakeholders that is truly unprecedented, but we have much, much, much work to do.

On this day, when in Alaska, we are recognizing the very short life of a beautiful child, Ashley Johnson-Barr. I thank my colleagues for working with us on these matters—helping us move Savanna's Act and the Not Invisible Act—and working together to do more as we deal with those who are trafficked, those who are assaulted, and

those who are violently murdered in their homes and in their hometowns. We have much work to do, but we have good coordination and good cooperation moving forward.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of James P. Danly, of Tennessee, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2023.

Mitch McConnell, Mike Crapo, Tim Scott, Chuck Grassley, David Perdue, Lamar Alexander, John Barrasso, Tom Cotton, Thom Tillis, James M. Inhofe, Shelley Moore Capito, Ron Johnson, Mike Rounds, Richard Burr, James Lankford, Jerry Moran, John Thune.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of James P. Danly, of Tennessee, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2023, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

(Mr. COTTON assumed the Chair.)

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 40, as follows:

[Rollcall Vote No. 71 Ex.]

#### YEAS—54

Alexander	Capito	Daines
Barrasso	Cassidy	Enzi
Blackburn	Collins	Ernst
Blunt	Cornyn	Fischer
Boozman	Cotton	Gardner
Braun	Cramer	Graham
Burr	Crapo	Grassley

Hawley	McConnell	Sasse
Hoeven	McSally	Scott (FL)
Hyde-Smith	Moran	Scott (SC)
Inhofe	Murkowski	Shelby
Johnson	Paul	Sinema
Jones	Portman	Sullivan
Kennedy	Risch	Thune
Lankford	Roberts	Tillis
Lee	Romney	Toomey
Loeffler	Rounds	Wicker
Manchin	Rubio	Young

#### NAYS—40

Baldwin	Harris	Rosen
Bennet	Hassan	Schatz
Blumenthal	Heinrich	Schumer
Booker	Hirono	Shaheen
Brown	Kaine	Smith
Cardin	King	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wyden
Feinstein	Peters	
Gillibrand	Reed	

#### NOT VOTING—6

Cantwell	Klobuchar	Sanders
Cruz	Perdue	Warren

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 40.

The motion is agreed to.

The Senator from Iowa.

#### AMERICAN ENERGY INNOVATION ACT

Mr. GRASSLEY. Mr. President, last week, I introduced an amendment to the American Energy Innovation Act. My amendment addresses a critical shortcoming with whistleblower protections currently available to power sector employees and those who are responsible for maintaining and securing our Nation's electric grid.

For those who are unfamiliar, the electric grid is managed by a patchwork of public and private entities. Unfortunately, that means patchy coverage for energy sector employees under our current whistleblower protection laws. Federal workers are covered under the Whistleblower Protection Act, but other workers have to rely on State and local laws for protection if they exist.

For many on the frontlines, these whistleblower protection laws don't exist. Just last year, according to a news report, power company employees raised concerns about equipment introduced to improve efficiency that they believed posed a threat to starting wildfires. I hope we all remember the fires in California—I think 1 and 2 years ago or 2 and 3 years ago—with terrible destruction, terrible loss of life. Eighty-five people in California, I think, lost their lives because of that type of fire.

One of these employees raised his concern about the threat of this equipment starting wildfires. It was reported that he was fired for simply blowing the whistle. If it turns out the employee was fired for blowing the whistle in the interest of public safety, that should be unacceptable to all of us.

As a country, we should be encouraging whistleblowers who know of threats to the security of our electric grid to come forward and report what they know. We owe it to them to ensure that when they do, they will be